

**MEDICAL EXAMINING BOARD  
REGULAR MEETING  
AUGUST 21, 2002**

**MEMBERS PRESENT:** Drs. Darold Treffert, Sidney Johnson, Ronald Grossman, Clark Olsen, Sandra Mahkorn, Alfred Franger, Lief Erickson, Bhupinder Saini, Daniel Miota, and Muriel Harper (arrived at 8:50 am) and Virgina Heinemann and Karen Kalishek

**STAFF PRESENT:** Deanna Zychowski, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant

**CALL TO ORDER**

Chair Darold Treffert called the meeting to order at 8:00 a.m.

**APPROVAL OF AGENDA**

**MOTION:** Clark Olsen moved, seconded by Virginian Heinemann, to approve the agenda. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 24, 2002**

Amendments: Delete Dr. Mohammed Rafiq Sethi from meeting notes and add Bill Black to staff present.

**MOTION:** Sidney Johnson moved, seconded by Clark Olsen, to approve the minutes of July 24, 2002 as amended. Motion carried unanimously.

**DEPUTY GREG HORSTMAN**

Deputy Secretary Greg Horstman discussed the budget process and the DRL Service and Budget Committee with the Board. Deputy Secretary said we have to review our current budget and resources and look at ways we can make it better.

**REPORT ON SECRETARY HERRERA'S BUDGET COMMITTEE**

Dr. Darold Treffert discussed some of the top issues identified at the meeting. Dr. Treffert said the Medical Examining Board would like a guarantee that any increase in fees be appropriated back to the Medical Examining Board. Karen Kalishek will attend the August 28<sup>th</sup> Service and Budget meeting in Dr Treffert's place.

**REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES**

Barry Wanner distributed three reports to Board members on complaints; Pending Death Cases, Three Year Cases and Complaints in the "Complaint Received" status. After discussion the Board requested that the Case Adviser be added to the Three Year Cases Report.

### **REPORT ON STATUS OF ADMINISTRATIVE RULES**

Wayne Austin, Legal Counsel advised the Board that there are two new rules that went to the Legislature on July 19, 2002. The Sex rule defines having sex with a patient as unprofessional conduct. The Cooperation Rule defines failure to cooperate with the Board in a timely fashion as unprofessional conduct also. The Rules will come back to the Board for final approval.

### **REPORT ON THE IPP PROGRAM**

LeeAnn Cooper discussed monitoring of the IPP Program. Currently, there are 22 physicians in the program. Five were referred into the program by DOE, resulting from complaints. 10 were referred by the Board and seven were self reports. Six of the 22 currently practice out of state and Ms. Cooper still monitors them. The Board would like LeeAnn to actively get quarterly reports of doctors in other state programs. The Board would also like to see doctors in an IPP Program be transferred from other states into our program.

There was a brief discussion of creatinine levels. The Board would like those individuals to be retested and a letter to be sent advising them of diluted specimens.

The Board would also like to change the department rules to expand definitions to allow more candidates into the program such as dealing with mental impairment and depression.

There was discussion of the various programs available. The State Medical Society program is two years. Candidates sign a contract and if broken, are reported to the Medical Examining Board. The IPP Program is a five year program with a contract and monitoring. Candidates can be referred by the Board or themselves. Candidates not eligible for IPP usually receive a stipulation and it's public record. LeeAnn will provide a boiler plate contract at a future meeting.

### **REPORT OF SCREENING COMMITTEE**

Muriel Harper reported the Screening Committee reviewed 60 complaints. Twenty eight complaints were opened, did not open 25 complaints, more information was requested on one, and six letters will go out.

There are two screening teams scheduled to meet next month. The first team members are Alfred Franger, Karen Kalishek, and Darold Treffert. They plan to meet at 10 a.m. The second team members are Virginia Heinemann, Sidney Johnson, and Clark Olsen. They plan to meet at 2 p.m.

### **ORAL ARGUMENTS**

**LESTER YAN, MD**

DOE Attorney, James Polewski and Lance Grady, Attorney for Dr. Yan, presented oral arguments in the matter of Lester Yan, MD. This matter will be deliberated on in closed session.

### **RECESS TO CLOSED SESSION**

**MOTION:** Ronald Grossman moved, seconded by Clark Olsen, to recess to closed session pursuant to Chapter 19.85 (1) (a), (b), (f), and (g), Wis. Stats, for the purpose of conducting a full Board oral examinations, reviewing requests for stays of suspensions and modification of orders, deliberation of proposed decisions, issuing complaints, ratifying licenses and certificates, reviewing case status report, meeting with the Division of Enforcement and consulting with Legal Counsel. Role call vote: Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Clark Olson – yes, Sandra Mahkorn – yes, Muriel Harper – yes, Virginia Heineman – yes, Bhupinder Saini – yes, Sidney Johnson – yes, Darold Treffert – yes, Daniel Miota – yes, Karen Kalishek - yes. Motion carried unanimously.

Open session recessed at 9:30 a.m.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Clark Olsen moved, seconded by Virginia Heineman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:10 p.m.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to reaffirm all motions made during closed session. Motion carried unanimously.

### **DELIBERATION OF PROPOSED DECISIONS**

#### **LESTER YAN, MD**

**MOTION:** Clark Olsen moved, seconded by Sandra Mahkorn, to adopt Findings of Fact, with the exception of fact number ten, in the matter concerning Lester Yan, MD. Sidney Johnson was not present during deliberation. Roll call vote: Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-yes, Muriel Harper-yes, Virginia Heinemann-yes, Karen Kalishek – yes, Sandra Mahkorn-yes, Clark Olsen-yes, Bhupinder Saini-yes, Daniel Miota-yes, Darold Treffert-yes. Motion carried.

**MOTION:** Clark Olsen moved, seconded by Sandra Mahkorn, to modify the Conclusions of Law in that there is insufficient evidence to establish the respondents conduct was below minimum standards, in the matter concerning Lester Yan, MD., and move to dismiss. Sidney Johnson was not present during deliberations. Roll call vote: Lief Erickson-yes, Alfred

Franger-yes, Ronald Grossman-yes, Muriel Harper-yes, Virginia Heinemann-yes, Karen Kalishek – yes, Sandra Mahkorn-yes, Clark Olsen-yes, Bhupinder Saini-yes, Daniel Miota-yes, Darold Treffert-yes. Motion carried.

## **REVIEW APPLICATIONS**

### **AMOS BODNER, MD**

**MOTION:** Alfred Franger moved, seconded by Bhupinder Saini, to require Amos Bodner, MD, to take the SPEX examination for licensure. Motion carried unanimously.

### **RONDA DITTER, MD**

**MOTION:** Darold Treffert moved, seconded by Clark Olsen, to deny the application of Ronda Ditter, MD, to write Part III USMLE based on her unsatisfactory performance reviews. Motion carried unanimously.

### **FELIX GEISSLER, MD**

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to accept Felix Geissler, MD, as a candidate for a distinguished visiting professor license. Motion carried unanimously.

### **ERIC JOSEPH, PA**

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to approve the application of Eric Joseph, PA, for certification as a Physician Assistant. Motion carried unanimously.

## **MONITORING REPORT**

### **THOMAS GALLAGHER, MD**

**MOTION:** Sidney Johnson moved, seconded by Alfred Franger, that Thomas Gallagher had completed all Board requirements and his license be reinstated to an unlimited status. Motion carried unanimously.

## **ISSUE COMPLAINTS**

**MOTION:** Muriel Harper moved, seconded by Virginia Heinemann, that in view of the large number (11) of open cases against Stuart Suster, the new allegations since this matter was given public visibility, and the number of new informal complaints that continue to come to the MEB, and the serious nature of those complaints, the Board asks the Division of Enforcement, with the investigative materials already assembled, prepare a complaint for Board review in this matter no later than the September meeting, or before

the September meeting by telephone conference if possible. Motion carried unanimously.

### **CASE STATUS REPORT**

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to close complaint **02 MED 103** for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Alfred Franger moved, seconded by Clark Olsen, to close complaint **99 MED 224** for prosecutorial discretion, and flag the license's record. Roll call vote: Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-yes, Muriel Harper-no, Virginia Heinemann-no, Sidney Johnson-yes, Karen Kalishek-yes, Sandra Mahkorn-yes, Clark Olsen-yes, Bhupinder Saini-no, Darold Treffert-yes, Daniel Miota abstained. Motion carried.

**MOTION:** Alfred Franger moved, seconded by Virginia Heinemann, to close complaint **00 MED 375** for insufficient evidence. Motion carried unanimously.

**MOTION:** Sidney Johnson moved, seconded by Ronald Grossman, to open a new complaint (**00 MED 375**) for medical records and prescribing, and bypass the screen committee. Motion carried unanimously.

**MOTION:** Bhupinder Saini moved, seconded by Sandra Mahkorn, to close complaint **00 MED 305**, for compliance gained. Motion carried unanimously.

**MOTION:** Alfred Franger moved, seconded by Clark Olsen, to close complaint **01 MED 233**, for no violation. Motion carried unanimously.

**MOTION:** Sandra Mahkorn moved, seconded by Clark Olsen, to close complaint **02 MED 087**, for no violation. Darold Treffert abstained. Motion carried.

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to close complaint **01 MED 235**, for no violation. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to close complaint **01 MED 240**, for no violation. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Virginia Heinemann, to close complaint **01 MED 028**, for compliance gained. Motion carried unanimously.

**MOTION:** Sandra Mahkorn moved, seconded by Bhupinder Saini, to close complaint **02 MED 035**, for no violation. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Ronald Grossman, to close complaint **02 MED 073**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Sandra Mahkorn, to close complaint **94 MED 249**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Ronald Grossman to close complaint **98 MED 079**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Sandra Mahkorn, to move to prosecute instead of closing complaint **99 MED 252**. Motion carried unanimously.

**MOTION:** Alfred Franger moved, seconded by Clark Olsen, to open a complaint on mega doses being prescribed and look into the pain clinic at the University of Wisconsin-Madison. Motion carried unanimously.

### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin, except Richard Biek and Joe Walton, whose scores are recorded as fail. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to ratify the applicants as licensed to practice as physician's assistants in the State of Wisconsin. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Clark Olsen moved, seconded by Virginia Heinemann, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:15 p.m.